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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,179	07/19/2001	Michael Kahn	MATP-610US	9083
23122	7590	02/06/2006	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			VENT, JAMIE J	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/909,179	KAHN, MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jamie Vent	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 28, 2005 has been entered.

***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al (US 6,510,209) in view of (Browne et al (WO 92/22983) in further view of Vallone et al (US 6,642,939).

**[claim 1]**

In regard to Claim 1, Cannon et al discloses a video recorder programming device comprising:

- Means for communicating between a user and said video recording programming device through a telephone connection (Column 2 Lines 5-15 describes that a user can communicate and thereby remotely interact with video recording system through a telephone system as further seen in Figure 2);
- Means for storing voice messages transmitted by said user through said means for communicating (Figure 2 shows telephone answering device 105 incorporated into a telephone answering machine 202 wherein the telephone answering machine is able to store voice messages transmitted by the user through the communicating means/telephone as further described in Column 3 Lines 22-30 and 50-67);
- Means for transmitting audio data to said user through said means for communicating to prompt said user to send recording parameter data (Column 4 Lines 18-35 describe the transmitting of audio data to the user through the voice prompts which prompts user for recording parameter data);
- Means for receiving and storing recording parameter data transmitted by said user as DTMF tones corresponding to keys on a telephone keypad through said means for communicating (Column 3 Lines 25-30 describe the means for receiving and storing the recording parameter in the telephone answering device 105 as seen in Figure 2 wherein data being transmitted is through DTMF signals or voice command signals); however, fails to disclose
  - Wherein the means for receiving and storing said recording parameter data further includes means for determining if a video recorder controlled by the video recorder programming device has sufficient storage to store video information corresponding to the recording parameter data and

other video information that has not yet been recorded corresponding to previously stored recording parameter and for prompting the user for instructions if the video recorder does not have a sufficient storage to store the video information and wherein the instructions prompt the user to select between overwriting recorded video information or editing the previously stored recording parameter data

Browne discloses a system wherein the user selects and records programs based on various criteria. The user can select the programs through entering through the input device (remote controller) or through voice commands as seen in Figure 12. Also, the user can determine the amount of storage remains for recording as seen in Figure 3 storage allocation 305. This allows the user to be informed of the amount of available space for recording and insures the user that recording of the program will be successful. Vallone et al additionally discloses a multimedia time scheduling system wherein programs are prioritized in determining what programs are to be deleted in accordance with previously recorded shows and currently recording shows as seen in Figure 17 elements 1702-1704. The icons of 1702-1704 allow the user to determine if the program will be saved for a number of days or erased due to storage issues as further described in Column 15 Lines 33+. The use of prioritizing programs allows for proper storage of programs in accordance with importance of programs. Therefore, it would be obvious to of ordinary skill in the art at the time of the invention to use the recording system, as disclosed by Cannon et al, and incorporate a system that give the user access to the amount of storage remains on the recording medium, as disclosed by Browne et al, and further incorporate a system that allows the programs to have priorities for the user to determine importance of programs, as disclosed by Vallone et al.

**[claims 2, 9, 11, & 14]**

In regard to Claims 2, 9, 11, and 14 Cannon et al discloses a video recorder programming device and method, as recited in Claim 1, with the additional limitations comprising:

- Means for communicating between a user and said video recorder programming device through a telephone connection (Figure 1 shows the telephone answering device which allows a user to communicate to the video recorder programming device as further described in Column 2 Lines 53-65);
- Means for storing voice messages transmitted by said user through said means for communicating (Column 3 Lines 30-32 describes the answering machine 204 is used in a conventional manner of storing voice messages);
- Means for transmitting audio data to said user through said means for communicating to prompt said user to send recording parameter data (Column 4 Lines 18-27 describes the system which prompts the user to set recording parameters);
- Means for receiving and storing said recording parameter data transmitted by said user as DTMF tones corresponding to keys on a telephone keypad through said means for communicating (Column 4 Lines 28-35 describes the use of DTMF tones that correspond to the telephone keypad which is used for communicating);
- means for starting the recording process by a video recorder responsive to the stored parameters including an infrared signal transmitter that transmits a command to the video recorder causing the video recorder to enter a programming mode, that transmits the parameters to the video recorder as the program and that transmits a command to the video recorder to leave the programming mode (Column 4 Lines 48-65 describes the starting of the

recording process wherein an infrared signaling unit is used to transmit parameters).

**[claim 3]**

In regard to Claim 3, Cannon et al discloses a device wherein the parameters include a channel number and a start time (Column 1 Lines 33-53 describes the parameters used for programming to include a channel number and a start time).

**[claims 4, 10, & 13]**

In regard to Claims 4, 10, and 13, Cannon et al discloses a device and method further comprises a mass storage device and the means for the starting the recording process causes the decoded television signal to be stored in the mass storage device as the video recorder (Column 2 Lines 45 describes the video cassette recorder wherein the recorded program is recorded to and thereby meeting the limitation of a mass storage device).

**[claim 5]**

In regard to Claim 5, Cannon et al discloses a device and method for storing audio messages comprises a telephone answering machines (Figure 2 shows a telephone answering machine as well as described in Column 3 Lines 23-30).

**[claim 7]**

In regard to Claim 7, Cannon et al discloses a device and method of programming a video recorder as disclosed in Claim 1 with the additional limitations:

- Enabling telephone communications between a user and a set top box when the user is at a location remote to the set top box (Column 2 Lines 5-21 describes that the user uses a telephone to remotely interact with the set top box);
- Transmitting audio data to the user to prompt the user to transmit audio programming data including start time data and one of stop time data and

duration data (Column 5 Lines 43-54 describes the transmitting of audio data and the prompting for the user for additional data);

- Receiving the audio programming data into the set top box through said telephone communications and converting the audio programming data into command data for the video recording device (Figure 4 shows receiving and converting of audio programming data into command data wherein is further described in Column 5 Lines 13-67); and,
- Transmitting the command data to the video recording device (Column 5 Lines 60-67 describes the transmitting of the command to the video recording device); however, fails to disclose
  - Wherein the means for receiving and storing said recording parameter data further includes means for determining if a video recorder controlled by the video recorder programming device has sufficient storage to store video information corresponding to the recording parameter data and for prompting the user for instructions if the video recorder does not have a sufficient storage to store the video information

Browne discloses a system wherein the user selects and records programs based on various criteria. The user can select the programs through entering through the input device (remote controller) or through voice commands as seen in Figure 12. Also, the user can determine the amount of storage remains for recording as seen in Figure 3 storage allocation 305. This allows the user to be informed of the amount of available space for recording and insures the user that recording of the program will be successful. Therefore, it would be obvious to of ordinary skill in the art at the time of the invention to use the recording system, as disclosed by Cannon et al, and incorporate a

system that give the user access to the amount of storage remains on the recording medium, as disclosed by Browne et al.

**[claims 6 & 8]**

In regard to Claims 6 and 8, Cannon et al discloses a device and method wherein the set top box further includes telephone answering machine functionality and the method further comprises the step of receiving predetermined audio data to switch the set top box from the answering machine functionality prior to receiving the audio programming data (Column 5 Lines 30-42 describes the telephone answering machine functionality wherein receiving the data and switching from answering machine function to receiving programming data).

**[claim 12]**

In regard to Claim 12, Cannon et al discloses a device and method of programming a video recorder comprising:

- Detecting an incoming telephone call by a set top box containing an automated answering machine (Column 3 Lines 40-50 describes the detection of an incoming call);
- Enabling telephone communication between user and set top box (Column 3 Lines 50-67 describes the enabling of the telephone communication to the set top box); and
- Detecting, receiving, and transmitting a programming signal transmitted by said user through said telephonic communication to said automated answering machine (Column 3 Lines 50-67 and Column 5 Lines 20+ describes the detecting, receiving, and transmitting of a program signal from an automated answering machine and thereby programming the video cassette recorder) however, fails to disclose

- Wherein the means for receiving and storing said recording parameter data further includes means for determining if a video recorder controlled by the video recorder programming device has sufficient storage to store video information corresponding to the recording parameter data and for prompting the user for instructions if the video recorder does not have a sufficient storage to store the video information

Browne discloses a system wherein the user selects and records programs based on various criteria. The user can select the programs through entering through the input device (remote controller) or through voice commands as seen in Figure 12. Also, the user can determine the amount of storage remains for recording as seen in Figure 3 storage allocation 305. This allows the user to be informed of the amount of available space for recording and insures the user that recording of the program will be successful. Therefore, it would be obvious to of ordinary skill in the art at the time of the invention to use the recording system, as disclosed by Cannon et al, and incorporate a system that give the user access to the amount of storage remains on the recording medium, as disclosed by Browne et al.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

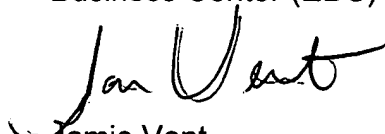
- Young (US 4,706,121)
- Levine (US 5,748,716).


### Contact Information

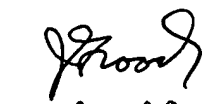
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. Effective July 15, 2005, the Central Fax Number will change to 571-273-8300. Faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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01/19/2006

  
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